

REMARKS

In the final Office Action dated May 7, 2007, the Examiner: (i) rejected claims 1-4, 7-9, 13, 15-18, 21-23, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,749,081 (hereinafter "Salvo") in view of U.S. Patent Application Publication No. 2002/0168679 (hereinafter "Neumayer"); and (ii) rejected claims 10 and 14 under 35 U.S.C. §103(a) as being unpatentable over Salvo in view of Neumayer in further view of U.S. Patent No. 5,749,081 (hereinafter "Whiteis").

Applicants respectfully request reconsideration of the application in view of the remarks below.

With regard to the §103(a) rejections, Applicants resubmit herewith a Declaration of Prior Invention in accordance with 37 C.F.R. §1.131. The declaration is signed by each of the inventors named on the present application. The declaration and the exhibits attached thereto evidence the conception and due diligence toward reduction to practice of an invention falling within independent claim 1 at least as early as May 1, 2001, and thus prior to the May 9, 2001 priority date of the Neumayer reference.

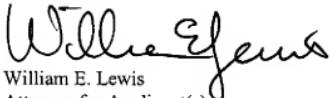
In the final Office Action, the Examiner contends that the evidence submitted is insufficient to establish diligence. An Attorney Affidavit and corresponding exhibits have been submitted with this response to provide additional evidence of diligence. As asserted in the Attorney Affidavit, reasonable diligence has been established since the attorney worked on a reasonable backlog of cases which were taken up in chronological order and carried out expeditiously before working reasonably hard on and completing a draft patent application for the present application.

Applicants are therefore entitled to overcome the §103(a) rejections using a declaration under 37 C.F.R. §1.131, in accordance with MPEP §§706.02(b) and 715. It is believed that the declaration is effective to remove the Neumayer reference from consideration, and thereby overcome the §103(a) rejections.

Attorney Docket No. YOR920010407US1

In view of the above, Applicants believe that claims 1-4, 7-10, 13, 15-18 and 21-26 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,



William E. Lewis  
Attorney for Applicant(s)  
Reg. No. 39,274  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560  
(516) 759-2946

Date: July 9, 2007